

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

FACTORY MUTUAL INSURANCE	§	
COMPANY a/k/a FM GLOBAL, et al.,	§	C.A. No.: 05-096 JJF
	§	
Plaintiffs,	§	
	§	
v.	§	JURY TRIAL DEMANDED
	§	
EAST COAST ERECTORS INC., et al,	§	
	§	
Defendants.	§	

**ANSWER OF O'DONNELL NACCARATO & MACINTOSH, INC.**

1. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

2. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of that averment.

3. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of that averment.

4. Admitted.

5. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

6. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

7. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

8. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

9. Admitted.

10. Admitted.

11. No responsive pleading is required. If a response is required: this Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

12. No responsive pleading is required. If a response is required: this Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

13. No responsive pleading is required. If a response is required: this Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

14. No responsive pleading is required. If a response is required: this Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

15. No responsive pleading is required. If a response is required: this Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

16. No responsive pleading is required. If a response is required: this Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

24. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

25. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

26. Admitted.

27. Admitted.

28. Denied.

29. Denied.

30. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

31. Denied as to this Answering Defendant.

32. Denied as to this Answering Defendant.

33. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

34. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

35. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

36. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

37. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

38. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

39. This Answering Defendant incorporates its answers contained in paragraphs one through thirty-eight by reference.

40. Denied as to this Answering Defendant.

40(a-r). Denied.

41. Denied as to this Answering Defendant.

42. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

**WHEREFORE**, this Answering Defendant demands that the above captioned matter be dismissed with all costs against the Plaintiff.

43. This Answering Defendant incorporates its answers contained in paragraphs one through forty-two by reference.

44. Answering Defendant is without sufficient knowledge or information to form a belief as to the truth of this averment.

45. Denied as stated.

46. Denied.

46(a). Denied.

46(b). Denied.

**AFFIRMATIVE DEFENSE**

47. Plaintiff's complaint fails to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b).

**ANSWER OF O'DONNELL NACCARATO & MACINTOSH, INC. TO  
CROSS-CLAIM OF CO-DEFENDANTS AND/OR THIRD PARTIES**

O'Donnell Naccarato & MacIntosh hereby responds to the cross-claim asserted by all co-defendants or third parties as follows:

48. Denied.

WHEREFORE, O'Donnell Naccarato & MacIntosh demands that the cross-claim be dismissed with any and all costs to be assessed against

BAILEY & ASSOCIATES, P.A.

/s/ James F. Bailey, Jr.  
JAMES F. BAILEY, JR., Bar I.D. # 336  
Three Mill Road, Suite 306A  
Wilmington, DE 19806  
(302) 658-5686  
Attorney for Defendant O'Donnell  
Naccarato & MacIntosh

Date: July 18, 2005

**CERTIFICATE OF SERVICE**

I, James F. Bailey, Jr., Esquire, do hereby certify that on this 18<sup>th</sup> day of July, 2005, one copy of the foregoing **ANSWER OF O'DONNELL NACCARATO & MACINTOSH, INC.** was served on the following counsel of record via electronic service:

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Date: July 18, 2005